

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
V.	:	DATE FILED _____
DELROY SCOTT,	:	VIOLATIONS:
a/k/a "Wayne Johnson,"	:	
CRETON WALTERS,	:	21 U.S.C. §846 (conspiracy to distribute
a/k/a "Blacks"	:	marijuana and cocaine base ("crack") -
	:	1 count)
	:	21 U.S.C. §841(a)(distribution of
	:	marijuana - 3 counts)
	:	21 U.S.C. §841(a) (distribution of cocaine
	:	base ("crack") - 2 counts)
	:	21 U.S.C. §841(a) (possession with the
	:	intent to distribute marijuana - 1 count)
	:	18 U.S.C. §924(c) (possessing a firearm in
	:	furtherance of a drug trafficking crime - 1
	:	count)
	:	18 U.S.C. §922(g)(1) (possession of a
	:	firearm by a convicted felon - 1 count)
	:	18 U.S.C. §2 (aiding and abetting)
	:	Notice of forfeiture
	:	Notice of prior convictions

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

From at least on or about October 1, 2004, through on or about November 16, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

DELROY SCOTT,
a/k/a "Wayne Johnson,"
and
CRETON WALTERS,
a/k/a "Blacks,"

conspired and agreed, together and with others known and unknown to the grand jury, to

knowingly and intentionally distribute more than 50 grams, that is, approximately 336 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, and a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(iii), and 841(b)(1)(D).

MANNER AND MEANS

_____ It was part of the conspiracy that:

1. Defendant DELROY SCOTT controlled and managed a cocaine base ("crack") and marijuana distribution organization that sold cocaine base ("crack") and marijuana to customers in the Philadelphia area.

2. Defendants DELROY SCOTT and CRETON WALTERS, and others known and unknown to the grand jury, stored cocaine base ("crack") and marijuana inside Amigo's Grocery, located at 5813 E. Wister Street, Philadelphia, Pennsylvania, and 6230 Limekiln Pike, Philadelphia, Pennsylvania, and sold cocaine base ("crack") and marijuana to customers for cash.

3. Defendant DELROY SCOTT utilized a cellular telephone to speak with, and to arrange meetings with, customers of the organization, in order to sell the customers cocaine base ("crack") and marijuana.

OVERT ACTS

_____ In furtherance of the conspiracy, and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

The October 6, 2004 transaction

1. On or about October 1, 2004, in a cellular telephone conversation with CS, a person known to the grand jury, defendant DELROY SCOTT arranged to sell cocaine base (“crack”), and marijuana to CS.

2. On or about October 6, 2004, defendant DELROY SCOTT spoke with CS by cellular telephone and confirmed that the order for cocaine base (“crack”) and marijuana, which was placed on October 1, 2004, was available to be picked up. In this conversation, defendant SCOTT told CS that only the marijuana was available.

3. On or about October 6, 2004, at approximately 1:55 p.m., a person known to the grand jury entered Amigo’s Grocery carrying a bag containing approximately five pounds of marijuana.

4. On or about October 6, 2004, at approximately 2:10 p.m., defendant CRETON WALTERS and defendant DELROY SCOTT met CI inside Amigo’s Grocery. After defendant WALTERS received cash from CI, defendant SCOTT handed CI the bag containing approximately five pounds of marijuana.

The November 3, 2004 transaction

5. On or about October 20, 2004, defendant DELROY SCOTT spoke with CS by cellular telephone and arranged to sell cocaine base (“crack”), marijuana, and a firearm to CS.

6. On or about November 3, 2004, defendant DELROY SCOTT in a cellular telephone conversation confirmed that the order for cocaine base (“crack”), marijuana, and the firearm, which was placed on October 20, 2004, was available to be picked up. In this

conversation, defendant SCOTT confirmed that all of these items were available.

7. On or about November 3, 2004, at approximately 1:29 p.m., defendant DELROY SCOTT walked out of 6230 Limekiln Pike, opened the trunk of a Mercedes Benz, and placed a bag in the trunk.

8. On or about November 3, 2004, defendant SCOTT met with CI inside Amigo's Grocery and received cash from CI. Several minutes later, defendant SCOTT walked out of Amigo's Grocery, approached his Mercedes Benz, opened the trunk, and retrieved a bag which contained approximately one pound of marijuana, three ounces of cocaine base ("crack"), and a Mossburg shotgun. Defendant SCOTT then walked over to CI's vehicle, and placed the bag holding the drugs inside of this vehicle.

The November 16, 2004 transaction

9. On or about November 10, 2004, defendant DELROY SCOTT spoke with CS by cellular telephone and arranged to sell cocaine base ("crack"), marijuana, and a firearm to CS.

10. On or about November 16, 2004, defendant DELROY SCOTT spoke with CS by cellular telephone and confirmed that the order for cocaine base ("crack"), marijuana, and the firearm, which was placed on or about November 10, 2004, was available to be picked up. In this conversation, defendant SCOTT confirmed that all of these items were available.

11. On or about November 16, 2004, between approximately 4:48 p.m. and 4:57 p.m., defendant DELROY SCOTT and defendant CRETON WALTERS entered 6230 Limekiln Pike. At approximately 5:00 p.m., defendant WALTERS walked out of 6230 Limekiln Pike carrying a large brown cardboard box. WALTERS placed this box into a black Nissan

Maxima and drove to Amigo's Grocery.

12. On or about November 16, 2004, at approximately 5:15 p.m., defendant CRETON WALTERS met with CI in order to sell cocaine base ("crack"), marijuana, and a firearm, which were ordered by CS.

13. On or about November 16, 2004, defendant CRETON WALTERS walked from Amigo's Grocery to his black Nissan Maxima, opened the door and retrieved the cardboard box. Defendant WALTERS then walked to CI's vehicle, opened the door and placed inside the cardboard box containing approximately nine ounces of cocaine base ("crack"), approximately five pounds of marijuana, and .38 caliber revolver. CI then handed defendant WALTERS cash.

14. On or about November 16, 2004, inside 6230 Limekiln Pike, Philadelphia, Pennsylvania, defendant DELROY SCOTT possessed approximately 33 pounds of marijuana; a Ruger 9mm semiautomatic pistol, model P89DC, serial number 303-95801, loaded with 15 live rounds of ammunition; a Kahr Arms .40 caliber semiautomatic pistol, model MK40, serial number HA0864, loaded with five live rounds of ammunition; an Intratec 9mm semiautomatic pistol, model AB-10, serial number A024137; United States currency; drug paraphernalia including, three scales, new and unused plastic baggies, a heat sealer, and a money counter.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 6, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DELROY SCOTT,
a/k/a "Wayne Johnson,"
and
CRETON WALTERS,
a/k/a "Blacks,"**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DELROY SCOTT,
a/k/a "Wayne Johnson,"**

knowingly and intentionally distributed a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 16, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DELROY SCOTT,
a/k/a "Wayne Johnson,"
and
CRETON WALTERS,
a/k/a "Blacks,"**

knowingly and intentionally distributed, and aided and abetted in the distribution of, a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(D), and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DELROY SCOTT,
a/k/a "Wayne Johnson,"**

knowingly and intentionally distributed more than 50 grams of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 16, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DELROY SCOTT,
a/k/a "Wayne Johnson,"
and
CRETON WALTERS,
a/k/a "Blacks,"**

knowingly and intentionally distributed, and aided and abetted the distribution of more than 50 grams, that is approximately 252 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 16, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DELROY SCOTT,
a/k/a "Wayne Johnson,"**

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 16, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DELROY SCOTT,
a/k/a "Wayne Johnson,"**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Ruger 9mm semiautomatic pistol, model P89DC, serial number 303-95801, loaded with 15 live rounds of ammunition; a Kahr Arms .40 caliber semiautomatic pistol, model MK40, serial number HA0864, loaded with five live rounds of ammunition; and an Intratec 9mm semiautomatic pistol, model AB-10, serial number A024137.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 16, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DELROY SCOTT,
a/k/a "Wayne Johnson,"**

knowingly possessed a firearm, that is, a Ruger 9mm semiautomatic pistol, model P89DC, serial number 303-95801, loaded with 15 live rounds of ammunition; a Kahr Arms .40 caliber semiautomatic pistol, model MK40, serial number HA0864, loaded with five live rounds of ammunition; and an Intratec 9mm semiautomatic pistol, model AB-10, serial number A024137, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

NOTICE OF PRIOR CONVICTIONS

THE GRAND JURY FURTHER CHARGES THAT:

Defendant DELROY SCOTT, a/k/a “Wayne Johnson,” committed the offenses charged in Counts One through Eight and Count Eleven of this indictment after having been convicted in a court of the State of New York of two felony drug offenses and a violent felony, as follows:

1. Attempted criminal sale of a controlled substance, under Nassau County New York, County Court docket number 82692-92;
2. Criminal sale of a controlled substance, under Nassau County New York, County Court docket number 68091-88; and
3. Assault and Robbery, under Nassau County New York, County Court docket number 67588-88.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1), as set forth in this indictment, defendant

**DELROY SCOTT
a/k/a “Wayne Johnson,”**

shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, that is:

-a Ruger 9mm semiautomatic pistol, model P89DC, serial number 303-95801,
loaded with 15 live rounds of ammunition;

-a Kahr Arms .40 caliber semiautomatic pistol, model MK40, serial number
HA0864, loaded with five live rounds of ammunition; and

-an Intratec 9mm semiautomatic pistol, model AB-10, serial number A024137.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**